

02-13-02

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| DOCKET NUMBER | ANTICIPATED CLASSIFICATION OF THIS APPLICATION: | | PRIOR APPLICATION | |
|-------------------|---|----------|-------------------|----------|
| | CLASS | SUBCLASS | EXAMINER | ART UNIT |
| G&C 30967.3-US-D1 | 424 | 186.100 | Mary Mosher | 1648 |

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

'Express Mail' mailing label number: EL815952662US

Date of Deposit: February 11, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

By: *Isabell Ogata*
Name: Isabell Ogata

11046 U.S. PTO

10/073834

02/11/02

DIVISIONAL APPLICATION UNDER 37 C.F.R. §1. 53(b)

BOX PATENT APPLICATION

Commissioner for Patents

Washington, D.C. 20231

Dear Sir:

This is a request for filing a Divisional application under 37 CFR § 1.53(b) of Serial No. 09/368,770, filed on August 5, 1999, entitled "IMMUNOLOGICAL HERPES SIMPLEX VIRUS ANTIGENS AND METHODS FOR USE THEREOF" by the following inventor(s):

| | | | | |
|-----|-------------------------|--|--|---|
| (1) | Full Name Of Inventor | Family Name KOELLE | First Given Name DAVID | Second Given Name M. |
| | Residence & Citizenship | City Seattle | State or Foreign Country Washington | Country of Citizenship U.S.A. |
| | Post Office Address | Post Office Address 4748 34th Street N.E. | City Seattle | State & Zip Code/Country Washington 98105/U.S.A. |
| (2) | Full Name Of Inventor | Family Name COREY | First Given Name LAWRENCE | Second Given Name |
| | Residence & Citizenship | City Seattle | State or Foreign Country Washington | Country of Citizenship U.S.A. |
| | Post Office Address | Post Office Address 357 Lee Street | City Seattle | State & Zip Code/Country Washington 98109/U.S.A. |

- ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, oath or declaration showing the applicant's signature, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 55 pages of specification, 34 claims, 1 page of abstract, 5 sheets of informal drawings, and 4 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☒ Amend the specification by inserting before the first line the sentence: "This application is a Divisional of application Serial No. 09/368,770, filed August 5, 1999, entitled 'IMMUNOLOGICAL HERPES SIMPLEX VIRUS ANTIGENS AND METHODS FOR USE THEREOF', which claims the benefit of United States provisional patent applications 60/095,723 and 60/095,724, both filed on August 7, 1998, which application is incorporated herein by reference."

(PTO TRANSMITTAL - FILING UNDER 37 CFR 1.53(b))

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- ☒ Cancel original claims 18-25, 28 and 29 of the prior application before calculating the filing fee.
- ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- ☒ The fee has been calculated as shown below in the "Claims as Filed" table.

CLAIMS AS FILED

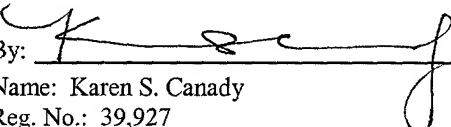
| Number of Claims Filed | In Excess of: | Number Extra | Rate | Fee |
|------------------------------|---------------|--------------|-------------|-------------------|
| Basic Filing Fee | | | | \$740.00 |
| Total Claims | | | | |
| 44 | 20 | 24 | x \$18.00 = | \$432.00 |
| Independent Claims | | | | |
| 10 | 3 | 7 | x \$84.00 = | \$588.00 |
| MULTIPLE DEPENDENT CLAIM FEE | | | | \$0.00 |
| TOTAL FILING FEE | | | | \$1,760.00 |

- ☒ PTO Form 2038 Credit Card Payment in the amount of \$1,760.00 to cover the Filing Fee is enclosed.
- ☒ The Power of Attorney in the prior application is to:
- George H. Gates, Reg. No. 33,500; Victor G. Cooper, Reg. No. 39,641, Karen S. Canady, Reg. No. 39,927, and William J. Wood, Reg. No. 41,236, of the law firm of Gates & Cooper LLP.
- ☒ Request For Transfer Of Sequence Informaton Under 37 C.F.R. 1.821(e).
- ☒ The prior application is assigned of record to the University of Washington.
- ☒ Submission of Formal Drawings: Five (5) sheets.
- ☒ Address all future communications to the Attention of Karen S. Canady at Gates & Cooper LLP, Howard Hughes Center, 6701 Center Drive West, Suite 1050, Los Angeles, California 90045, Telephone: (310) 641-8797.
- ☒ A return postcard is enclosed.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-0494 of Gates & Cooper LLP. A duplicate of this paper is enclosed.

Customer Number 22462
GATES & COOPER LLP
 Howard Hughes Center
 6701 Center Drive West, Suite 1050
 Los Angeles, CA 90045
 (310) 641-8797

By: 
 Name: Karen S. Canady
 Reg. No.: 39,927
 KSC/io

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David M. Koelle et al. Examiner: Mary Mosher
Serial No.: To be assigned Group Art Unit: 1648
Filed: February 11, 2002 Docket: G&C 30967.3-US-D1
Title: IMMUNOLOGICAL HERPES SIMPLEX VIRUS ANTIGENS AND
METHODS FOR USE THEREOF

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

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By: 

Name: Isabell Ogata

SUBMISSION OF FORMAL DRAWINGS

Attn: Official Draftsperson
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Submitted herewith are Five (5) sheets of Formal Drawings for the above-identified application.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Applicant(s)

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, CA 90045
(310) 641-8797

Date: February 11, 2002

By: 

Name: Karen S. Canady

Reg. No.: 39,927

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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By:

Name: Isabell Ogata

REQUEST FOR TRANSFER OF SEQUENCE INFORMATION
UNDER 37 CFR §1.821(e)

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The paper copy of the Sequence Listing provided with the instant divisional application, filed herewith, is identical to the paper and computer readable copies of the Sequence Listing filed in application serial no. 09/368,770, filed on August 5, 1999. In accordance with 37 CFR §1.821(e), please use the first (and only) filed computer readable form filed in that application on August 5, 1999, as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Applicant(s)

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: February 11, 2002

KSC/io
G&C 30967.3-US-D1

By:

Name: Karen S. Canady

Reg. No.: 39,927

G&C 30967.3-US-D1